



Austin City Council  
MINUTES

REGULAR MEETING  
THURSDAY, FEBRUARY 14, 2002

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed.

The City Council of Austin, Texas, convened in a regular meeting on Thursday, February 14, 2002 in the Board Room at Lower Colorado River Authority Hancock Building, 3700 Lake Austin Boulevard.

INVOCATION: Council Member Danny L. Thomas.

Mayor Garcia called the meeting to order at 12:17 p.m.

Recess for Executive Session at 12:21 p.m.

**EXECUTIVE SESSION**

The City Council went into Executive Session, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel, to discuss matters of land acquisition, litigation, and personnel matters as specifically listed on this agenda and to receive advice from Legal Counsel regarding any other item on this agenda.

1. Discuss legal issues related to *City of Austin, Acting by and through its Electric Utility Department v. Convergent Group Corporation*, Civil No. A-01-CA-202JN, in the United States District Court for the Western District of Texas, Austin Division.
2. Discuss legal issues related to *Austin Police Association, Combined Law Enforcement Associations of Texas, and Catherine Haggerty v. City of Austin*, Cause Number GN200259, filed in the 200th Judicial District Court of Travis County.  
**No discussion was held.**
3. **Was discussed later in the meeting.**
4. Discuss legal issues related to rejecting bids based on contractor performance or non-compliance with other city concerns.
5. **Was discussed later in the meeting.**
6. Discuss legal issues relating to House Bill 1445 agreements with counties regarding subdivision regulations in the ETJ.  
**No discussion was held.**
7. Evaluate the performance and consider the compensation of the Municipal Court Clerk.  
**This item was postponed to February 28, 2002.**

Mayor Garcia announced that item 21 would also be discussed during Executive Session.

**Executive Session ended at 2:11 p.m. and Mayor Garcia called the meeting back to order.**

**1:30 P.M. CITIZEN COMMUNICATIONS: GENERAL**

8. Jimmy Castro - Stock & Show Rodeo
9. Betty Edgemond - Old Zoning, etc./ City Inspectors - **ABSENT**
10. Gavino Fernandez - Vote for Marcos de Leon-Democrat for State Representative District 51
11. Akwasi Evans - Racism & Reparations - **ABSENT**
12. Gus Pena - (1) To discuss Budgetary issues and concerns from our community. (2) Do not cut any services that will adversely impact our children and our Senior Citizens.
13. Jose Quintero - Protect the Integrity, Environment, and well-being of the Neighborhood.
14. Susana Almanza - PODER to celebrate 9<sup>th</sup> Anniversary Victory of Tank Farm Closure on 2/19/02. Special thanks to Marcos De Leon and County Commissioners for appropriating investigation funds (1992), which assisted in closure of tank farm.
15. Veronica Hernandez – Education - **ABSENT**
16. Jim Nias - Requesting release of easements at 5335 Burnet Road
17. Rolando Pina - LOVE working together helping people understand Galindo Elementary Neighborhood Association G.E.N.A.'s democratic process.

**CONSENT AGENDA**

**The following items were acted on by one motion. No separate discussion or action occurred on any of the items. The consent items were approved on Council Member Slusher's motion, Council Member Wynn's second by a 7-0 vote.**

**Item 18 was approval of the minutes.**

**Item 19 was pulled for discussion.**

20. Consideration and possible action on whether the City Charter should be amended to provide for the election of the Council from single-member districts.

**This item was postponed to February 28, 2002.**

21. Approve a resolution authorizing execution of a 12-month supply agreement with RAINBOW MATERIALS L. P.(MBE/MH). Del Valle, Texas, for structural concrete in an amount not to exceed \$240,000, with three 12-month extension options in an amount not to exceed \$240,000 per extension, for a total contract amount not to exceed \$960,000. (Funding in the amount of \$140,000 is available in the Fiscal Year 2001-2002 Amended Operating Budget of the Electric Utility Department. Funding for the remaining five months of the original contract period and the extension options is contingent upon available funding in future budgets.) Low bid/three bids received. This contract will be awarded in accordance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified, therefore, no goals were established. (Continued from January 10, 2002)

**Resolution No. 020214-21 was approved with the following amendments by Council Member Slusher. Staff was directed to: research the practices of all concrete companies and determine best practices; brief Council on criteria that will be added to all future concrete contracts that have not yet been approved by Council; and add new stronger environmental criteria to all future concrete contracts. Council Member Slusher noted Council has accepted Rainbow Materials' voluntary re-mediation plan with the expectation that this company will cease and desist the type of activities followed in the past and remediate the problems as outlined in the February 12, 2002 letter from Rainbow Materials to the Purchasing Officer.**

**Items 22 through 25 were pulled for discussion.**

26. Approve a resolution authorizing an amendment to the legal services contract with Scott, Douglass & McConnico, L.L.P., for representation in City of Austin, Acting by and through its Electric Utility Department v. Convergent Group Corporation; In the United States District Court for the Western District of Texas, Austin Division; Civil No. A-01-CA-202 JN, in an amount not to exceed \$880,500 with a total contract amount not to exceed \$1,170,500. (Funding in the amount of \$880,500 is available in the Fiscal Year 2002 Amended Operating Budget for the Electric Utility Department.)

**Resolution No. 020214-26 was approved.**

27. Approve a ordinance authorizing acceptance of \$115,627 in grant funds from the Texas State Library and Archives Commission to provide enhanced web-based youth services and additional youth services programming for all 20 branch library locations and the Faulk Central Library; amend ordinance 010910-01, the 2001-2002 Operating Budget, amending the Library Special Revenue Fund by appropriating \$115,627 for a total grant amount of \$115,627 and 1.0 FTE. (The amount of \$115,627 from the Texas State Library and Archives Commission. Total grant amount is \$115,627. The grant period is from January 1, 2002 through August 31, 2002. No match is required.)

**Ordinance No. 020214-27 was approved.**

**Item 28 was set for a time certain of 4:00 p.m..**

29. Amend ordinance 011213-Z-7, to correct the zoning map for the property located at 1900 - 1904 Rio Grande Street otherwise known as 700 Martin Luther King Jr. Boulevard, generally known as the Goodall-Wooten House (Shoal Creek Watershed). The property is further described in file number C14H-01-0147. City Staff: Barbara Stocklin, Transportation, Planning and Sustainability Department, 974-2414.

**Ordinance No. 020214-29 was approved.**

30. C14-01-0063 – Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 12719 Dakota Lane (Lake Creek Watershed) from SF-1, Single Family Residence Large Lot district, zoning to NO-MU-CO, Neighborhood Office-Mixed Use-Conditional Overlay Combining district, zoning with conditions. First reading on August 2, 2002; Vote 6-0, Thomas absent. Conditions met as follows: Conditional overlay incorporates the conditions approved by Council at first reading. Applicant: Bhamn Investments, LLP (John Baunach). Agent: Crocker Consultants (Sarah Crocker). City Staff: Sherri Gager, 974-3057.

**Ordinance No. 020214-30 was approved.**

31. C14-01-0158 – Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4200 Block of Willow Springs Road (Blunn Creek Watershed) from SF-3, Family Residence district, zoning to LI-CO, Limited Industrial Services-Conditional Overlay Combining district, zoning. First reading on January 17, 2002; Vote 6-0-1, Wynn off the dais. Conditions met as follows: Conditional overlay incorporates the conditions approved by Council at first reading. Applicant and Property Owner: Twin Oaks Associates (Joe Charles Jung). Agent: Jim Bennett. City Staff: Wendy Walsh, 974-7719

**Ordinance No. 020214-31 was approved.**

32. Set a public hearing to consider a proposed neighborhood plan for the North Loop neighborhood planning area. The North Loop neighborhood planning area is bounded on the west by Lamar Boulevard, on the north by Koenig Lane, on the east by Interstate Highway 35 North, and on the south by 45<sup>th</sup> Street/ Red River Street/51<sup>st</sup> Street. (There is no fiscal impact associated with

setting this public hearing. This plan is advisory and does not legally obligate the Council to implement any particular recommendation.) (Suggested Date and Time: February 28, 2002 at 4:00 p.m.)

**Resolution No. 020214-32 was approved.**

33. Approve a resolution authorizing acceptance of \$251,367 in grant renewal funding from the State of Texas, Office of the Governor, Criminal Justice Division, *Juvenile Accountability Incentive Block Grant Program*, to continue support for the Juvenile Diversion Center for youth who have committed Class C criminal offenses. (Grant funding is available from the State of Texas, Office of the Governor, Criminal Justice Division, for the grant period of February 1, 2002 through January 31, 2003. A cash match of \$27,930 is required and is in the Fiscal Year 2001-2002 Operating Budget of the Police Department. Funding for the continued operation of this program is contingent upon available funding in future budgets.)

**Resolution No. 020214-33 was approved.**

34. Approve an ordinance authorizing acceptance of \$200,000 in grant funding from the U.S. Department of Justice, Office of Justice Programs, Community Oriented Policing Services Office, *Promoting Cooperative Strategies to Reduce Racial Profiling* program; amend Ordinance No. 010910-01, the Fiscal Year 2001-2002 operating budget, amending the Special Revenue Fund by appropriating \$200,000 in grant funds for the Austin Police Department special revenue fund. (Grant funding is available from the U.S. Department of Justice, Office of Justice Programs, Community Oriented Policing Services Office, *Promoting Cooperative Strategies to Reduce Racial Profiling* program, for the grant period of August 1, 2001 through December 31, 2002. No cash match is required. Continued operation of this program is contingent upon available funding in future budgets.)

**Ordinance No. 020214-34 was approved.**

**Item 35 was pulled for discussion.**

36. Approve a resolution authorizing Amendment No. 1 to a service agreement through the State of Texas with UNITED PARCEL SERVICE, San Antonio, Texas, for courier services to increase the initial contract amount, in an amount not to exceed \$44,258, and to add two 12-month extension options in an amount not to exceed \$69,258 per option for a revised total contract amount not to exceed \$207,774. (Funding in the amount of \$44,258 is available in the 2001-2002 Approved Operating Budget of various City Departments. Funding for the two remaining extension options will be contingent upon available funding in future budget.) This contract will be awarded in accordance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified, therefore, no goals were established.

**Resolution No. 020214-36 was approved.**

37. Approve a resolution authorizing execution of a 12-month service agreement with RIDGWAY'S, INC., Austin, Texas, to provide blueline printing services in an amount not to exceed \$96,747.75 with two 12-month extension options in an amount not to exceed \$96,747.75 per extension for a total contract amount not to exceed \$290,243.25. (Funding in the amount of \$64,499 was included in the 2001-2002 Operating Budget of various City Departments. Funding for the remaining four months of the original contract period and extension options is contingent upon available funding in future budgets.) Low bidder/four bids received. This contract will be awarded in accordance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified, therefore, no goals were established. These services will be provided directly to the City by the contractor.

**Resolution No. 020214-37 was approved.**

38. Approve a resolution authorizing execution of a 12-month supply agreement with NORTHWEST PROPANE GAS COMPANY, Dallas, Texas, for the purchase of liquid propane gas fuel (LPG) in an amount not to exceed \$175,000 with two 12-month extension options in an amount not to exceed \$175,000 per extension for a total contract amount not to exceed \$525,000. (Funding in the amount of \$102,083 was included in the 2001-2002 Operating Budget for the Fleet Maintenance Fund of the Finance and Administrative Services Department. Funding for the remaining five months of the original contract period and extension options is contingent upon available funding in future budgets.) Low bidder/four bids received. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified, therefore, no goals were established for this solicitation.  
**Resolution No. 020214-38 was approved.**
39. Approve a resolution authorizing execution of 12-month service agreements with MASTEC OF NORTH AMERICA-AUSTIN DIVISION, Austin, Texas, and AUSTIN TRAFFIC SIGNAL CONSTRUCTION CO., L.P. (MBE/MA, 67.5%), Round Rock, Texas, for traffic signal installation and services for the Transportation, Planning & Sustainability Department, each agreement in an amount not to exceed \$1,221,721.84 with two 12-month extension options for each agreement in an amount not to exceed \$1,221,721.84 per extension, for a total amount of the two agreements not to exceed \$3,665,165.52. (Funding in the amount of \$814,481.20 was included in the Fiscal Year 2001-2002 Capital Budget for the Transportation, Planning & Sustainability Department. Funding for the remaining four months of the original contract period and extension options is contingent upon available funding in future budgets.) 1<sup>st</sup> and 2<sup>nd</sup> low bidder/two bids received. MASTEC OF NORTH AMERICA-AUSTIN DIVISION, 35.9% MBE, 2.7% WBE subcontracting participation and AUSTIN TRAFFIC SIGNAL CONSTRUCTION CO., L.P., 17% MBE, 15.5% WBE subcontracting participation.  
**Resolution No. 020214-39 was approved.**
40. Approve a resolution authorizing execution of a contract with ALFA LAVAL INC. Glen Allen, Virginia, to provide a gearbox for the Water and Wastewater Utility, in an amount to exceed \$74,160. (Funding is available in the 2001-2002 Approved Operating Budget of the Water and Wastewater Utility.) Sole source. This is a sole source purchase due to the required compatibility of equipment. Alfa Laval Inc. is the original equipment manufacturer and sole distributor of Alfa Laval parts. This contract will be awarded in accordance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified, therefore, no goals were established.  
**Resolution No. 020214-40 was approved.**
41. Approve a resolution authorizing execution of a contract with RABALAIS I & E CONSTRUCTORS, Corpus Christi, Texas, for the installation of new cable systems of Holly Units 3 & 4 electrical systems, in an amount not to exceed \$2,250,000. (Funding is available in the Fiscal Year 2001-2002 Amended Operating Budget of the Electric Utility Department.) Best evaluated proposal/three proposals received. This contract will be awarded in accordance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified, therefore, no goals were established.  
**Resolution No. 020214-41 was approved.**

**Items 42 and 43 were set for a time certain of 4:00 p.m.**

44. Approve a resolution authorizing execution of a construction contract with JNM CONSTRUCTION (MBE/MH, 77.68%), Manor Texas for construction of Lamplight Village Cut-Off Valves project, in the amount of \$49,335.50. (Funding is available in the 1995-1996 Amended Capital Budget of the Water and Wastewater Utility.) Low bid of four. 0% MBE,

1.05% WBE subcontracting participation. (Recommended by Water and Wastewater Commission)

**Resolution No. 020214-44 was approved.**

45. Approve a resolution authorizing execution of a construction contract with CASH CONSTRUCTION COMPANY OF TEXAS, INC., Pflugerville, Texas, for the Elroy Area Water Rehabilitation Project in an amount not to exceed \$1,863,218. (Funding is available in the Fiscal Year 2001-2002 Amended Capital Budget of the Water and Wastewater Utility.) Low bid of five. 26.12% MBE, 8.45% WBE subcontracting participation. (Recommended by Water and Wastewater Commission)

**Resolution No. 020214-45 was approved.**

46. Approve a resolution authorizing the City Manager to apply for a grant from the Texas Water Development Board (TWDB) in the amount of \$132,000 for one-third the cost of flood protection planning in the Fort Branch watershed and to negotiate and execute a contract with the TWDB if the grant is awarded; state the City Council's intent to provide matching funds in cash or in-kind services in an amount not to exceed \$268,000 if the grant is awarded. (Funding in the amount of \$400,000 is included in the Amended Capital Budget of the Watershed Protection and Development Review Department for this project. If the \$132,000 in grant funding is received, the City's cost will be reduced to \$268,000.)

**Resolution No. 020214-46 was approved.**

47. Set a public hearing to consider a request for a variance from the Land Development Code to allow construction of an additional room and an attached carport to the single-family residence at 1122 Eleanor Avenue in the 25-year and 100-year floodplains of Fort Branch and to waive dedication of the 100-year floodplain as drainage easement. (Suggested Date and Time: February 28, 2002 at 6:00 p.m.)

**Resolution No. 020214-47 was approved.**

48. Approve an ordinance waiving certain fees under Chapter 15-11 of the City Code for the "Blow the Whistle on Asthma" Walk to be held on March 23, 2002. (Council Member Will Wynn)

**Ordinance No. 020214-48 was approved. Council Member Wynn added a fiscal note showing the fee of \$1,750 was waived.**

49. Approve a new compensation package for the Municipal Court Clerk. (Mayor Gus Garcia)

**This item was postponed to February 28, 2002.**

50. **Board and Commission Appointments**

Austin Community Education Consortium

Mario Castillo Martínez	appointment	Consensus
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Board of Adjustment

Wanda Penn	reappointment	Consensus
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Bond Oversight Committee

Phil Moncada (Environmental Board Representative)	appointment	Consensus
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Child Care Council

Elizabeth "Betty" Gottlieb	appointment	Consensus
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Community Development Commission

Camile Pahwa	reappointment	Consensus
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Downtown Commission

Linda Johnston (Ole Mexico Representative)	reappointment	Consensus
Bob Woody (6 <sup>th</sup> East Street Merchants/Resident)	reappointment	Consensus

Federally Qualified Health Center Board

David Campos	reappointment	Consensus
William Kuykendall	reappointment	Consensus
John Mayo	reappointment	Consensus
William A. Thames	reappointment	Consensus

Impact Fee Advisory Committee

Hank Kidwell	reappointment	Consensus
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Mayor's Committee for People with Disabilities

Norman Kieke	appointment	Mayor
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Medical Assistance Program Advisory Board

David M. Jackson	reappointment	Consensus
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Music Commission

Rodger Brown	reappointment	Thomas
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Resource Management Commission

Jeffrey Beckage	appointment	Consensus
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Urban Transportation Commission

Carl Tepper	reappointment	Mayor
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**Items Z1 through Z3 were zoning items.**

**DISCUSSION ITEM**

18. Approval of minutes from the Work Session of February 6, 2002 and the Regular Meeting of February 7, 2002.

**The minutes from the Work Session of February 6, 2002 and the Regular Meeting of February 7, 2002 were approved on Council Member Alvarez' motion, Mayor Garcia's second by a 7-0 vote.**

**Mayor Garcia recessed the meeting at 3:00 p.m. to go into the Board of Directors' Meeting of the Austin Housing Finance Corporation. See separate minutes.**

**Mayor Garcia called the meeting back to order at 3:13 p.m.**

**DISCUSSION ITEMS CONTINUED**

19. Approve a resolution directing the City Manager to take appropriate steps to reallocate remaining funds previously budgeted as the local match for the Congress Avenue Bridge Improvement TEA-21 Project, to fund an Interlocal Agreement with CAPCO utilizing the Central Texas Regional Visioning Project, a non-profit entity, for a regional plan to be performed by Fregonese-Calthorpe Associates; and directing the City Manager to negotiate and execute an Interlocal Agreement with CAPCO, in an amount not to exceed \$925,000. (Council Member Wynn) (from January 31, 2002 and February 7, 2002)

Resolution No. 020214-19 was approved with the following amendment and friendly amendments on Council Member Wynn's motion and Council Member Slusher's second on a 6-0 vote. Mayor Garcia abstained on this item. The amendment by Council Member Wynn was to reduce the amount for the regional visioning project to \$250,000. The friendly amendment by Council Member Slusher was to direct to staff to come up with proposals for how the remaining \$675,000, from the original \$925,000 Congress Avenue bridge match, should be spent and to brief the Council on their proposals, with public safety being the primary concern. The friendly amendment by Council Member Griffith was that if the City receives the one quarter cent funds this year from Capital Metro, that 15% of those funds go to the bicycle and pedestrian projects, in addition to the \$250,000 allocated for this study.

### ZONING CONSENT

The following items were acted on by one motion. No separate discussion or action occurred on any of the items. The consent items were approved on Council Member Wynn's motion, Council Member Slusher's second by a 7-0 vote.

- Z-1. C814-01-0065 – Bear Lake P.U.D. – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as the southeast corner of S.H. 45 and F.M. 1826 (Slaughter and Barton Creek Watersheds) from unzoned and I-RR, Interim-Rural Residence district, zoning to P.U.D., Planned Unit Development district, zoning. Zoning and Platting Commission Recommendation: To grant to P.U.D., Planned Unit Development district, zoning with conditions. Applicant and Property Owner: Stratus Properties (Kenneth Blaker). Agent: Drenner Stuart Wolff Metcalfe von Kreisler, LLP. (Michele Haussmann). City Staff: Wendy Walsh, 974-7719. (continued from and 12/13/01)

**This item was postponed to March 21, 2002 at the neighborhood's request. Council Member Slusher directed staff to negotiate on all Stratus properties in Circle C and on Barton Creek to seek a comprehensive settlement that protects the environment and the City treasury.**

- Z-2. C14-01-0157 Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11900 Metric Boulevard (Walnut Creek Watershed) from GR-CO, Community Commercial-Conditional Overlay Combining district, zoning, to CS-1, Commercial-Liquor Sales district, zoning. Zoning and Platting Commission Recommendation: To grant CS-1-CO, Commercial-Liquor Sales- Conditional Overlay Combining district, zoning. Applicant: Stone Mesa, LTD. (Shu-yuan Liao). Agent: Jim Bennett. City Staff: Annick Beaudet, 974-2975.

**The first reading of this ordinance was approved.**

- Z-3. C14-01-0173 – Lakeline Retail Development – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 14009 Research Boulevard (U.S. Highway 183 North) (Lake Creek Watershed) from DR, Development Reserve district, zoning to GR, Community Commercial district, zoning. Zoning and Platting Commission Recommendation: To grant GR-CO, Community Commercial-Conditional Overlay Combining district, zoning with conditions. Applicant: CW McCoy, Ltd. (Jim Cotton). Agent: Bury and Partners, Inc. (Jim Knight). City Staff: Sherri Gager, 974-3057.

**Ordinance No. 020214-Z3 was approved.**

**Mayor Garcia recessed the meeting at 5:48 p.m. to go into Live Music and Proclamations.**

**Mayor Garcia called the meeting back to order at 6:44 p.m.**

**DISCUSSION ITEMS CONTINUED**

42. Approve an ordinance for second/third reading to annex the Wildhorse Ranch Tract for the limited purposes of planning and zoning (approximately 1957 acres on the south side of US 290 E at the intersection of US 290 E and proposed SH 130). (Limited purpose annexation does not have a fiscal impact. Fiscal impact analysis shows a positive cash flow following conversion to full purpose status.)  
**Ordinance No. 020214-42 was approved on Council Member Griffith's motion, Mayor Pro Tem Goodman's second by a 5-1 vote. Council Member Wynn voted no. Council Member Thomas was off the dais.**
43. Adopt an ordinance on second/third reading to adopt a regulatory plan for the Wildhorse Ranch Tract, which is being annexed for limited purposes (approximately 1957 acres on the south side of US 290 E at the intersection of US 290 E and proposed SH 130).  
**Ordinance No. 020214-43 was approved on Council Member Griffith's motion, Mayor Pro Tem Goodman's second by a 5-1 vote. Council Member Wynn voted no. Council Member Thomas was off the dais.**
28. C814-00-2063 – Wildhorse PUD – Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by zoning property located approximately 2000' south from the intersection of Blue Bluff Road at Old Highway 20 (Gilleland and Decker Creek Watersheds) from I-RR, Interim-Rural Residence, district to PUD, Planned Unit Development, district zoning. First reading on December 6, 2001; Vote: 6-1, Wynn-No. Second reading on February 7, 2002; Vote: 6-1, Wynn-No. Conditions met as follows: The ordinance will address the conditions imposed by council at second reading. Applicant: Wildhorse Holdings, Ltd. (Pete Dwyer). Agent: Armbrust Brown & Davis (David Armbrust). City Staff: Annick Beudet, 974-2975.  
**Ordinance No. 020214-28 was approved as amended below on Mayor Pro Tem Goodman's motion, Council Member Griffith's second by a 5-1 vote. Council Member Wynn voted no. Council Member Thomas was absent. The amendment was to change the ordinance presented for the first reading by inserting numerous additional provisions before Part 10 in the ordinance and renumbering Parts 10 and 11. The revisions were presented by staff in a document entitled "Wildhorse Ranch PUD (Revised)." New language was included in the staff document for Parts 4.B3, 4C, and 4F. The staff's language was amended by Mayor Pro Tem Goodman on Page Two, Right of Way Dedication. "A" would read as follows, "Seventy-five feet on each side of the centerline of SH 130 shall be dedicated at the time the final construction plans are completed for the Wildhorse PUD segment of SH 130. "B" would be deleted. Revisions to the exhibits to the ordinance presented by staff were also approved. There was also direction given to staff to explore, post-zoning case, the possibility of 380 agreements and to bring forward an ordinance that would define SH-130 as a scenic roadway.**
35. Approve a resolution authorizing negotiation and execution of an amendment to the professional services agreement with LZT ARCHITECTS, INC., Austin, Texas, for additional architectural design and construction phase services for redesign of the streetscape for the Austin Resource Center for the Homeless, located at 500 East 7<sup>th</sup> Street, in an amount not to exceed \$40,000, for a total contract not to exceed \$524,444. (Funding in the amount of \$40,000 is included in the Fiscal Year 2001-2002 Amended Capital Budget of the Transportation, Planning & Sustainability Department.) 4% MBE, 58% WBE subcontracting participation.  
**Resolution No. 020214-35 was approved on Council Member Wynn's motion, Council Member Griffith's second by a 6-0 vote. Council Member Thomas was off the dais.**

22. Approve an ordinance authorizing the City Manager to negotiate and execute a sale prior to April 19, 2002, of an amount not to exceed \$3,570,000 of City of Austin, Texas, Tax Anticipation Notes, Series 2002, at a borrowing rate not to exceed 3%. (The amount of \$3,676,050 estimated debt service payment in Fiscal Year 2003 will be included in the General Obligation Debt Service Fund approved budget.) (Related Item Nos: 23, 24 and 25)  
**Ordinance No. 020214-22 was approved with the following amendments on Mayor Garcia's motion, Council Member Alvarez' second by a 6-0 vote. Council Member Thomas was off the dais. The amendments from Council Member Alvarez were as follows and were accepted by the maker of the motion: increase the Tax Anticipation Note from \$3.57 million to \$4.8 million; decrease the amount of the Contingency Reserve utilized for Homeland Security from \$2.4 million to \$1.2 million; and to amend the current budget by utilizing \$600,000 from the Contingency Reserve to fund the City's matching contribution for the Community Action Network's increased social needs.**
23. Approve a resolution to declare official intent to reimburse the City an aggregate maximum amount of \$3,570,000 from the proceeds of tax anticipation notes for expenditures related to homeland security and for a sales tax revenue shortfall. (Related Item Nos: 22, 24 and 25)  
**Resolution No. 020214-23 was approved on Council Member Alvarez' motion, Council Member Slusher's second by a 6-0 vote. Council Member Thomas was off the dais.**
24. Approve a resolution to declare official intent to reimburse the City an aggregate maximum amount of \$800,000 from the issuance of debt instruments for the acquisition of equipment associated with Homeland Security. (Related Item Nos: 22, 23 and 25)  
**Resolution No. 020214-24 was approved on Council Member Alvarez' motion, Council Member Slusher's second by a 6-0 vote. Council Member Thomas was off the dais.**
25. Amend Ordinance No. 010910-01, the 2001-2002 Operating Budget of the General Fund, increasing Expenditures for the Police Department, by increasing appropriations in the amount of \$3,263,000; the Fire Department by increasing appropriations in the amount of \$1,135,041 and adding 2.0 civil service FTE's and 3.0 civilian FTE's; the EMS Department by increasing appropriations in the amount of \$599,345 and adding 6.0 paramedic FTE's; the Health Department by increasing appropriations in the amount of \$211,000 and adding 3.0 FTE's for a total increase of \$5,208,386 and 14.0 FTE's for the purposes of Homeland Security. Amend the Operating Budget of the General Fund to decrease Expenditures to Other Departments by \$1,238,386 for a net General Fund Expenditure increase of \$3,970,000. Amend General Fund Revenue in the amount of \$2,800,000 for a decrease in Sales Tax Revenue. Amend General Fund Revenue in the amount of \$3,570,000 in increased revenue from debt proceeds. Amend the Contingency Reserve Fund by transferring \$2,400,000 to the General Fund. Increase General Fund Revenue by \$800,000 from the issuance of Contractual Obligations. (Funding in the amount of \$3,570,000 is available from debt proceeds associated with the issuance of a tax anticipation note, \$2,400,000 from the Contingency Reserve Fund, \$800,000 in Contractual Obligations and \$1,238,386 will be obtained through the reallocation of existing funds from additional budget reductions.) (Related Item Nos: 22, 23 and 24)  
**Ordinance No. 020214-25 was approved with a friendly amendment on Mayor Pro Tem Goodman's motion, Council Member Alvarez' second by a 6-0 vote. Council Member Thomas was off the dais. The friendly amendment made by Council Member Alvarez was to decrease the amount of the transfer from the contingency reserve from \$2.4 million to \$1.2 million and to amend the general fund revenue from the tax anticipation note proceeds of \$4.8 million, instead of \$3.57 million. This was accepted by the maker of the motion.**

Mayor Garcia recessed the meeting at 8:01 p.m. to go into Executive Session.

EXECUTIVE SESSION

The City Council went into Executive Session, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel, to discuss matters of land acquisition, litigation, and personnel matters as specifically listed on this agenda and to receive advice from Legal Counsel regarding any other item on this agenda.

3. Discuss legal issues related to proposed Charter amendments about Police Monitor and police personnel records.  
**No discussion was held.**
5. Discuss legal issues related to *Austin 360 Associates, L.P. v. the City of Austin*, Cause Number GN-001372, in the 261st Judicial District Court of Travis County, Texas.

**Mayor Garcia called the meeting back to order at 8:27 p.m.**

**The motion to adjourn the meeting at 8:27 p.m. was approved on Council Member Griffith's motion, Council Member Slusher's second by a 6-0 vote. Council Member Thomas was off the dais.**

**The minutes from the Work Session of February 13, 2002 and the regular meeting of February 14, 2002 were approved on Council Member Wynn's motion, Mayor Pro Tem Goodman's second by a 7-0 vote.**

**The amended minutes from the regular meeting of February 14, 2002 and the minutes from the Work Session of March 6, 2002 and the regular meeting from March 7, 2002 were approved on Council Member Thomas' motion, Council Member Wynn's second by a 7-0 vote.**